



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,237	03/15/2001	Vladimir Sadovsky	205719	5374

23460 7590 04/19/2005

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

EXAMINER

TRUONG, CAMQUY

ART UNIT	PAPER NUMBER
----------	--------------

2195

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,237

Applicant(s)

SADOVSKY ET AL.

Examiner

Camquy Truong

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/27/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Drawings

2. The drawing filed 3/15/2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draft person's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office Action. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-21 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

- i. As to claims 1 (line 7), 8 (line 9), 12 (line 8) and 16 (line 9), it is not clearly understood whether hardware devices refer to a hardware device in line 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2,6-10,12-13,16-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinallo (US. Patent 5,727,212).
6. As to claims 1, 12 and 16, Dinallo teaches the invention substantially as claimed including: A computer-readable medium having computer-executable components for controlling a hardware device of a given device type installed in a computer system (Fig. 7-8), comprising:
 - A first device driver (the device driver, col. 6, lines 36-38) for interaction with, through a device driver interface (DDInterface, col. 5, line 41), an application running on the computer system (col. 5, lines 41-42; col. 6, lines 26-27); and
 - A second device driver (a second device driver, col. 6, lines 26-27 and line 39) programmed to support entry point functions corresponding to a pre-selected set of operation commands generic to devices of the given type (col. 4, lines 25-37; col. 5, lines 3-25 and col. 6, lines 35-36 and lines 39-40) the entry point

functions callable by the first device driver for controlling operations (col. 5, lines 41- 42; col. 6, lines 40-43);

The first device driver programmed for receiving, through the device driver interface, a request from the application (col. 5, lines 37-42) and calling the entry point functions of the second device driver to perform the requested operation (col.5, line 42 and col. 6, lines 40-43).

7. Dinallo does not explicit teach that the device driver is for controlling a hardware device. However, Dinallo teaches a system that is connected to different hardware peripheral devices (col.3, lines 41-47).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made that Dinallo's system in fact provide the device drivers for controlling a hardware device because it is well-known in the art that the purpose of the device drivers is to control the hardware device.

9. As to claim 8, it is rejected for the same reason as claim 1. In additional, Dinallo teaches initializing the requested operation (col.2, lines 18-20).

10. As to claims 2, 17, 10 and 13, Dinallo teaches the device drive is for controlling an image-capturing device (col.6, and 41-42).

11. As claims 6,9 and 21, Dinallo teaches the first device driver is further programmed to pass to the second device driver a data structure for storing operation parameter settings by the second device driver (col. 5, lines 41- 54).

12. As to claim 7, Dinallo teaches a third device driver for a second hardware device, the third device driver programmed to interact with the application through the device driver interface for receiving requests for operations by the second hardware device and to control the second hardware to perform the requested operations (col.22, lines 9-13).

13. Claims 3-5,11,14-15, and 18- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinallo (US. Patent 5,727,212) in view of Applicant Admitted Prior Art (AAPA).

14. As to claims 3-5 Dinallo teaches entry point function support by the second server are callable to set parameters and to initiate the x operation (col. 4, lines 25-37; col. 5, lines 3-25 and col. 6, lines 35-36 and lines 39-40)

15. Dinallo does not teach x as scanner. However, AAPA teaches a scanner (page 2, lines 7-9).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dinallo and AAPA because AAPA's Scanner would add the fields of use of Dinallo's system by allowing scanner as one of the hardware devices for capturing color images for incorporation in presentations and communications.

17. As to claims 11,14-15 and 18-20, they are rejected for the same reason as claims 3-5 above.

Response to the argument

18. This action is in response to the argument file on 12/27/2004. Applicant argued (1) "Dinallo does not describe the OS/2 DDTransport and the DDTransport as two separated device drivers that interact with each other". (2) Dinallo does not teach or suggested entry point functions corresponding to a pre-selected set of operation commands generic to hardware devices of the given device type".

19. Examiner respectfully traverses Applicant's remarks:

- A. As to point (1), Dinallo clearly teaches two separate device drivers that interact with each other. The first device driver is audio/video device driver, which communicates with the second device driver, which is OS/2 stream handler device driver (col. 6, lines 40-44).

B. As point (2), Dinallo clearly teaches entry point functions corresponding to a pre-selected set of operation commands generic to hardware devices of the given device type. Dinallo teaches OO generic device interface comprise DDTransport class, which has characteristic such as encapsulating the specific device driver information associated with that particular device driver (col. 2, lines 11-14; col. 4, lines 19-34).

20. Applicant's arguments filed 2/2/05 for claims 1-23 have been considered but are moot in view of the new ground(s) rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

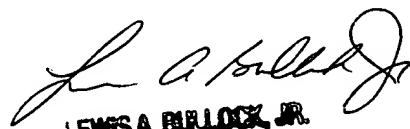
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US.Pat. No. 6,587,129 B1 to Lavendel et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (703) 305-8888. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER